

Remarks

The Examiner has restricted the invention into the following Groups:

- Group I: Claims 1-7 [sic 8] drawn to an apparatus for moving particles entrained in a first fluid to a second fluid;
- Group II: Claims 9-11, drawn to a method for moving particles from a first fluid to a second fluid.

In response to the Examiner's restriction requirement, but without conceding the propriety thereof, Applicants elect Group I, claims 1-8, with traverse.

The Examiner submits that the use of a standing sound wave to move particles from a first fluid undergoing laminar flow to another fluid undergoing laminar flow that is in contact with the first fluid is a common special technical feature of the two groups. The Examiner cites Coakley et al. (International Publication No. WO 2000/041794) as teaching the use of a standing sound wave to move particles from fluid located apart from the nodal plane of the standing wave to fluid located at the standing wave's nodal plane (Col. 2, lines 1-3; col. 5, lines 11-30). The Examiner states that there are two fluids that in contact with each other and that do not experience noticeable turbulent flow.

Applicants submit that Coakley et al. neither disclose nor teach movement of particles from a first fluid to a second fluid, but only movement of particles within a single fluid (*see e.g.*, abstract). Moreover, Coakley et al. do not disclose a means providing for contacting laminar flow of two fluids within a conduit primarily because it refers only to a single fluid. As such, Applicants submit that all claims should be prosecuted together.

Additionally, Applicants submit that there is no undue burden on the Examiner to search the remaining claims of Group II in this application. "If the search and examination of an

entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” *See* MPEP 803 (emphasis added). Accordingly, Applicants submit that Groups I-II should be examined together, even if the Examiner maintains the position that they are distinct inventions.

If there remain any additional issues to be addressed, the Examiner is invited to contact the undersigned at 404.815.6147.

Respectfully submitted,

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